



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5182

Introduced 2/1/2010, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-144

from Ch. 108 1/2, par. 7-144

Amends the IMRF Article of the Illinois Pension Code. Provides that if an annuitant becomes an employee and receives earnings from employment in a position normally requiring performance of duty during 1,000 hours or more per year as a Sheriff's law enforcement employee (currently 600 hours or more per year as a non-Sheriff's law enforcement employee) for any participating municipality and instrumentalities thereof or participating instrumentality, then the annuity payable to such employee shall be suspended as of the 1st day of the month coincidental with or next following the date upon which such person becomes such an employee. Effective immediately.

LRB096 18591 AMC 33973 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 7-144 as follows:

6 (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

7 Sec. 7-144. Retirement annuities-Suspended during
8 employment.

9 (a) (1) If any person described in clause (i) of subsection
10 (a) 2 of Section 7-141 receiving any annuity again becomes an
11 employee and receives earnings from employment in a position
12 normally requiring performance of duty during 600 hours or more
13 per year (1,000 hours or more per year as a Sheriff's law
14 enforcement employee) for any participating municipality and
15 instrumentalities thereof or participating instrumentality; or
16 (2) if any person described in clause (ii) of subsection (a) 2
17 of Section 7-141 receiving any annuity returns to employment in
18 a position requiring him, or entitling him to elect, to become
19 a participating employee; then the annuity payable to such
20 employee shall be suspended as of the 1st day of the month
21 coincidental with or next following the date upon which such
22 person becomes such an employee. Upon proper qualification of
23 the participating employee payment of such annuity may be

1 resumed on the 1st day of the month following such
2 qualification and upon proper application therefor. The
3 participating employee in such case shall be entitled to a
4 supplemental annuity arising from service and credits earned
5 subsequent to such re-entry as a participating employee.

6 (b) Supplemental annuities to persons who return to service
7 for less than 48 months shall be computed under the provisions
8 of Sections 7-141, 7-142 and 7-143. In determining whether an
9 employee is eligible for an annuity which requires a minimum
10 period of service, his entire period of service shall be taken
11 into consideration but the supplemental annuity shall be based
12 on earnings and service in the supplemental period only. The
13 effective date of the suspended and supplemental annuity for
14 the purpose of increases after retirement shall be considered
15 to be the effective date of the suspended annuity.

16 (c) Supplemental annuities to persons who return to service
17 for 48 months or more shall be a monthly amount determined as
18 follows:

19 (1) An amount shall be computed under subparagraph b of
20 paragraph (1) of subsection (a) of Section 7-142,
21 considering all of the service credits of the employee;

22 (2) The actuarial value in monthly payments for life of
23 the annuity payments made before suspension shall be
24 determined and subtracted from the amount determined in (1)
25 above;

26 (3) The monthly amount of the suspended annuity, with

1 any applicable increases after retirement computed from
2 the effective date to the date of reinstatement, shall be
3 subtracted from the amount determined in (2) above and the
4 remainder shall be the amount of the supplemental annuity
5 provided that this amount shall not be less than the amount
6 computed under subsection (b) of this Section.

7 (4) The suspended annuity shall be reinstated at an
8 amount including any increases after retirement from the
9 effective date to date of reinstatement.

10 (5) The effective date of the combined suspended and
11 supplemental annuities for the purposes of increases after
12 retirement shall be considered to be the effective date of
13 the supplemental annuity.

14 (Source: P.A. 82-459.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.